

John Steven CLARK v. STATE of Arkansas

CR 91-120

824 S.W.2d 345

Supreme Court of Arkansas
Opinion delivered February 24, 1992

APPEAL & ERROR — STAY OF MANDATE DENIED — PRIMARY FEDERAL QUESTION NOT RAISED ON APPEAL. — Where the primary federal question to be raised in a petition for certiorari in the U.S. Supreme Court was not raised by the appellant as a defense or on appeal, the motion to stay the mandate of the court was denied.

Motion to Stay Mandate; denied.

Bill Bristow, for appellant.

Winston Bryant, Att'y Gen., by: *Stephen Engstrom*, Asst. Att'y Gen., for appellee.

[1] PER CURIAM. Appellant John Steven Clark moves to stay the mandate of the court pursuant to Ark. Sup. Ct. R. 22(c) on the basis that he may file a petition for certiorari in the U.S. Supreme Court. Appellant states that the primary federal question to be raised in such a petition would be selective prosecution. Selective prosecution was not raised by the appellant as a defense in the trial of this matter and was not raised by the appellant as a defense in the trial of this matter and was not before this court on appeal. The motion to stay is denied.

HOLT, C.J., and DUDLEY, HAYS, and NEWBERN, JJ., not participating.

Special Justices ROBERT WRIGHT, LONNIE BEARD, HOWARD BRILL and KENNETH GOULD concur.